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REGULAR MEETING OF THE CITY COUNCIL

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OCTOBER 6, 2009

CITY COUNCIL CHAMBERS

PRESENT: PAUL R LEPAGE, MAYOR  
MIKE ROY, CITY MANAGER

COUNCILORS: CHARLES F. STUBBERT, JR., MARY-ANNE BEAL,  
ROSEMARY WINSLOW, DANA SENNETT, CHAIR, JOHN  
O'DONNELL, THOMAS LONGSTAFF AND CARL S  
BASGALL

COUNCIL WORKSHOP - ZONING ORDINANCE REVIEW

6:00 P.M.

EXECUTIVE SESSION

6:45 P.M.

PROPERTY ACQUISITION - 1 M.R.S.A. § 405 (6) (C)

REGULAR MEETING

7:00 P.M.

APPROVAL OF CONSENT AGENDA

REGULAR MEETING      CONSENT AGENDA      OCTOBER 6, 2009

MINUTES

APPROVAL OF SEPTEMBER 15, 2009

RESOLUTION NO 116---ROLL OF ACCOUNTS NO 19

Sennett Moved to Adopt  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)

UNFINISHED BUSINESS

RESOLUTION 113- A RESOLUTION PROVIDING FOR: IN OPPOSITION TO  
VETOED THE INITIATED BILL LD 974 "An Act to Decrease the  
Automobile Excise Tax and Promote Energy  
Efficiency"

WHEREAS, the initiated bill LD 974, *An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency*, would cut over \$80 million of revenue each year to Maine's towns and cities that is used to plow, treat, construct, repair and maintain over 13,000 miles of local roads and over 800 local bridges; and

Whereas, LD 974 would cut approximately \$512,000 in revenue that Waterville receives every year to repair and maintain approximately sixty-five miles of local roads; and

Whereas, the adoption of the excise tax initiative would likely lead to a significantly deteriorated transportation system, elimination of other City services/programs, or in the alternative, increases to the municipality's property tax rate; and

Whereas, the excise tax initiative provides substantial benefits to the owners of newer and specialized motor vehicles while providing no tax benefits to the owners of motor vehicles that are older than five years of age, which represent the majority of registered motor vehicles; and

Whereas, the excise tax initiative is falsely presented as a "green" initiative while at the same time seriously impairing the capacity of the towns and cities in Maine to construct and maintain road systems that appropriately protect Maine's water quality;

NOW, THEREFORE, BE IT RESOLVED that the Waterville City Council hereby encourages Waterville voters to oppose the initiated bill LD 974, *An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency*; and further agrees to provide information to the voters of Waterville regarding the potential negative impacts of this initiated legislation.

Sennett Moved to Read by Title Only  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)  
Resolution Read by Title Only  
Sennett Moved to Adopt  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)  
(Veto Overruled)

ORDER NO. 42-AN ORDER PROVIDING FOR ISSUANCE OF A  
\$4,333,368 QUALIFIED ZONE ACADEMY BOND FOR  
WATERVILLE SENIOR HIGH SCHOOL

BE IT HEREBY ORDERED BY City Council of  
the City of Waterville acting as the  
municipal officers, as follows:

1. That under and pursuant to the provisions of section 1397E of the Internal Revenue Code of 1986, as amended (the "Code"), section 5772 of Title 30-A of the Maine Revised Statutes, and Article IV, section 7 of the Charter of the City of Waterville, Maine (the "City"), the City Manager and the Director of Finance be authorized to issue general obligation securities in the name and on behalf of the City in an aggregate principal amount not to exceed Four Million Three Hundred Thirty-Three Thousand Three Hundred Sixty-Eight Dollars (\$4,333,368) (the "Bonds") to finance the costs of rehabilitating and repairing the Waterville Senior High School (the "Project"), and that the Bonds be designated as a qualified zone academy bond;
2. That to the extent not inconsistent with this order, the Director of Finance is authorized to select such date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, form(s) and other details of the Bonds, as the Director of Finance determines to be in the interest of the City;
3. That the Bonds may be made callable, with or without premium, prior to their maturity, in the discretion of the Director of Finance;
4. That the Bonds shall be executed in the name of the City by the City Manager and the Director of Finance under the official seal of the City and attested by the City Clerk, and that any signature thereon may be by facsimile to the extent permitted by law;
5. That the Director of Finance is authorized to provide for the sale of the Bonds at such times and in such manner as the Director of Finance determines to be in

the interest of the City, including without limitation engagement of McLiney & Co. as placement agent, and to select a purchaser or purchasers of the Bonds and to execute and deliver such contracts or agreements as may be necessary in connection therewith;

6. That the Bonds, together with any investment earnings thereon, are appropriated to be used for the Project and for related costs of issuance, credit enhancement and accrued interest, if any;
7. That the Director of Finance is authorized to covenant on behalf of the City that no part of the proceeds of the Bonds shall be used directly or indirectly to acquire any securities or obligations, the acquisition of which would cause such Bonds to be "arbitrage Bonds" within the meaning of Section 148 of the Code;
8. That the Director of Finance is authorized to covenant, certify and agree, on behalf of the City, for the benefit of the holders of Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, to the extent applicable, are met;
9. That the Director of Finance is authorized to execute and deliver in connection with the payment of the Bonds a forward delivery or other agreement providing for a sinking fund for the investment and custody of the City's payments on the Bonds until maturity thereof, on such terms not inconsistent with this Order as the Director of Finance may approve, if the Director of Finance deems such agreement to be in the interests of the City;
10. That the Director of Finance is authorized to execute and deliver such tax certificates, arbitrage and use of proceeds certificates and other documents and certificates as may, in the Director's opinion, be necessary or convenient to effect the transactions hereinbefore authorized, to be in such form not inconsistent with this Order as the Director of Finance may approve;
11. That the Director of Finance and other proper officials of the City are authorized and empowered in its name and on its behalf to do or cause to do all such other acts and things as may be necessary or desirable in order to effect the issuance, sale and delivery of the Bonds in accordance herewith and any

such prior action by them is hereby ratified and confirmed;

12. That the appropriate officials of the City, acting singly, be authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with the Bonds and that the City Manager and the Director of Finance, acting singly, be authorized to take all other lawful actions necessary to comply with the requirements for a qualified zone academy bond within the meaning and for all purposes of Section 1397E of the Code;
13. That if the City Manager, Director of Finance, Mayor, Clerk or any other City officer or official is for any reason unavailable to, as applicable, approve, execute or attest the Bonds or any related financing documents, the person or persons acting in any such capacity, whether as an assistant, a deputy or otherwise, is authorized to act for such official with the same force and effect as if such official had herself/himself performed such act;
14. That if any of the officers or officials of the City who have signed or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Bonds had not ceased to be such officer or official; and also any such Bonds may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds, shall be the proper officers and officials of the City, although at the nominal date of such Bonds any such person shall not have been such officer or official; and
15. That the Clerk of the City be directed to file an attested copy of this order with the minutes of this meeting.

Sennett Moved to Read by Title Only  
Winslow Seconded the Motion  
Vote to Approve: Stubbart, Beal,  
Winslow, Sennett, Longstaff and Basgall  
Vote to Oppose: O'Donnell  
Vote to Abstain: None  
Vote: (6-1-0)

Order Read in Full In Spite of Vote  
 Sennett Moved to Accept  
 Winslow Seconded the Motion  
 Vote: All in Favor (7-0)  
 Sennett Moved to Hold Third and Final  
 Reading by Title Only  
 Winslow Seconded the Motion  
 Vote: All in Favor (7-0)  
 Order Read by Title Only  
 Sennett Moved to Amend by Deleting  
 "section 1397E" and Replacing with  
 "Sections 54A and 54E " in Paragraph 1  
 and 12  
 Longstaff Seconded the Motion  
 Vote: All in Favor (7-0)  
 Sennett Moved to Adopt as Amended  
 Winslow Seconded the Motion

Roll Call Vote	Yes	No	Abstain
Charles F Stubbett Jr	1		
Mary-Anne Beal	2		
Rosemary A Winslow	3		
Dana Sennett	4		
John O'Donnell	5		
Thomas Longstaff	6		
Carl S Basgall	7		
Vote	(7-0)		

ORDER NO. 43-AN ORDER PROVIDING FOR AUTHORIZATION FOR MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2009 FOR ELECTION OF CITY COUNCILORS, BOARD OF EDUCATION MEMBERS, WARDENS AND WARD CLERKS IN WARD 1 AND WARD 7

BE IT ORDERED by City Council of the City of Waterville acting as the municipal officers as follows:

THAT, pursuant to Article X, Section 5 of the Charter for the City of Waterville, the City Council hereby authorizes the Municipal Election to be held on November 3, 2009, for City Councilors, Board of Education Members, Wardens and Ward Clerks in Ward 1, and Ward 7, and;

BE IT FURTHER ORDERED THAT a Warrant is issued fixing the polls to open at 8:00 A.M. and close at 8:00 P.M. and listing positions to be filled as set forth above.

BE IT FURTHER ORDERED THAT the City Clerk

shall give all necessary notices for the holding of such election.

Order Read in Full  
Sennett Moved to Accept  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)  
Sennett Moved to Hold Third and Final  
Reading by Title Only  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)  
Sennett Moved to Adopt  
Winslow Seconded the Motion

Roll Call Vote	Yes	No	Abstain
Charles F Stubbert Jr	1		
Mary-Anne Beal	2		
Rosemary A Winslow	3		
Dana Sennett	4		
John O'Donnell	5		
Thomas Longstaff	6		
Carl S Basgall	7		
Vote	(7-0)		

ORDINANCE 07- AN ORDINANCE PROVIDING FOR AMENDMENT TO ZONING, ARTICLE 2, SECTION 2.1.1, THE OFFICIAL ZONING MAP AND THE WRITTEN DESCRIPTION OF THE ZONING BOUNDARIES OF THE CITY OF WATERVILLE, MAINE (WESTERN AVE)

BE IT ENACTED by the City Council of the City of Waterville, acting as the municipal officers as follows:

THAT the Zoning Ordinance, Article 2, Section 2.1.1., the official zoning map dated April 6, 1999, and the written description of zoning boundaries dated July 6, 1971, be and hereby are amended as shown on the attached.

The parcel to be rezoned, located at 68 Western Avenue, is owned by Laurie Cothran and found on the Property Map of the City of Waterville dated April 1, 1992, as updated on April 1, 2009.

Sennett Moved to Read by Title Only  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)  
Ordinance Read by Title Only

Sennett Moved to Accept  
 Longstaff Seconded the Motion  
 Vote: All in Favor (7-0)  
 Sennett Moved to Hold Third and Final  
 Reading by Title Only  
 Winslow Seconded the Motion  
 Vote: All in Favor (7-0)  
 Order Read by Title Only  
 Sennett Moved to Adopt  
 Winslow Seconded the Motion  
 Vote: All in Favor (7-0)

Roll Call Vote	Yes	No	Abstain
Charles F Stubbett Jr	1		
Mary-Anne Beal	2		
Rosemary A Winslow	3		
Dana Sennett	4		
John O'Donnell	5		
Thomas Longstaff	6		
Carl S Basgall	7		
Vote	(7-0)		

ORDINANCE 08-AN ORDINANCE PROVIDING FOR AMENDMENT TO  
ZONING, ARTICLE 2, SECTION 2.1.1, THE OFFICIAL  
ZONING MAP AND THE WRITTEN DESCRIPTION OF THE  
ZONING BOUNDARIES OF THE CITY OF WATERVILLE,  
MAINE (RIDGE RD)

BE IT ENACTED by the City Council of the  
 City of Waterville, acting as the municipal  
 officers as follows:

THAT the Zoning Ordinance, Article 2,  
 Section 2.1.1., the official zoning map dated  
 April 6, 1999, and the written description of  
 zoning boundaries dated July 6, 1971, be and  
 hereby are amended as shown on the attached.

The parcel to be rezoned, located at 66  
 Ridge Road, is owned by Jon and Tammi Harding,  
 and found on the Property Map of the City of  
 Waterville dated April 1, 1992, as updated on  
 April 1, 2009.

Sennett Moved to Reconsider Ordinance  
 08-2009 by Title Only  
 Winslow Seconded the Motion  
 Vote: All in Favor (7-0)  
 Sennett Moved to Accept  
 Winslow Seconded the Motion



Vote in Favor: Stubbert, Beal, Winslow,  
Sennett, Longstaff and Basgall  
Vote to Oppose: O'Donnell  
Vote to Abstain: None  
Vote: (6-1-0)

ORDINANCE 09-AN ORDINANCE PROVIDING FOR AMENDMENT TO  
ZONING, ARTICLE 2, SECTION 2.1.1, THE OFFICIAL  
ZONING MAP AND THE WRITTEN DESCRIPTION OF THE  
ZONING BOUNDARIES OF THE CITY OF WATERVILLE,  
MAINE (COASTAL MED TECH)

BE IT ENACTED by the City Council of the  
City of Waterville, acting as the municipal  
officers as follows:

THAT the Zoning Ordinance, Article 2,  
Section 2.1.1., the official zoning map dated  
April 6, 1999, and the written description of  
zoning boundaries dated July 6, 1971, be and  
hereby are amended as shown on the attached.

The parcel to be rezoned, located at 208  
College Avenue, is owned by Coastal Med Tech Inc  
[YRAM LLC] and found on the Property Map of the  
City of Waterville dated April 1, 1992, as  
updated on April 1, 2009.

Ordinance Read in Full  
Sennett Moved to Accept  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)  
Sennett Moved to Hold Third and Final  
Reading by Title Only  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)  
Ordinance Read by Title Only  
Sennett Moved to Adopt  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)

Roll Call Vote	Yes	No	Abstain
Charles F Stubbert Jr	1		
Mary-Anne Beal	2		
Rosemary A Winslow	3		
Dana Sennett	4		
John O'Donnell	5		
Thomas Longstaff	6		
Carl S Basgall	7		
Vote (7-0)			

NEW BUSINESS

RESOLUTION 117- A RESOLUTION PROVIDING FOR:AUTHORIZING THE  
ISSUANCE OF A VICTUALER LICENSE TO LUCIA HAYWOOD,  
ROBERT HAYWOOD & DANIEL GLIDDEN D/B/A "GLO"

BE IT RESOLVED by the City Council of the City of  
Waterville as follows:

THAT, the City Council hereby authorize the  
issuance of a Victualer License to Lucia Haywood,  
Robert Haywood and Daniel Glidden d/b/a "Glo" at  
24 Silver St.

Resolution Read in Full  
Sennett Moved to Adopt  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)

RESOLUTION 118- A RESOLUTION PROVIDING FOR:AUTHORIZING THE  
ISSUANCE OF A LIQUOR LICENSE TO LUCIA HAYWOOD,  
ROBERT HAYWOOD & DANIEL GLIDDEN D/B/A "GLO"

BE IT RESOLVED by the City Council of the City of  
Waterville as follows:

THAT, the City Council hereby authorize the  
issuance of a Liquor License to Lucia Haywood, Robert  
Haywood and Daniel Glidden d/b/a "Glo" at 24 Silver  
St.

Resolution Read in Full  
Sennett Moved to Adopt  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)

RESOLUTION 119- A RESOLUTION PROVIDING FOR:AUTHORIZING THE  
ISSUANCE OF A VICTUALER LICENSE TO RICHARD R  
MICHAUD D/B/A "SAM'S ITALIAN FOODS"

BE IT RESOLVED by the City Council of the City of  
Waterville as follows:

THAT, the City Council hereby authorize the  
issuance of a Victualer License to Richard R Michaud  
d/b/a "Sam's Italian Foods" at 270 KMD Plaza.

Resolution Read in Full  
Sennett Moved to Adopt

Winslow Seconded the Motion  
Vote: All in Favor (7-0)

RESOLUTION 120--- A RESOLUTION PROVIDING FOR:AUTHORIZING THE  
ISSUANCE OF A VICTUALER LICENSE TO STEVEN GUERTIN  
D/B/A "THE NOOK AND CRANNY"

BE IT RESOLVED by the City Council of the City of  
Waterville as follows:

THAT, the City Council hereby authorize the  
issuance of a Victualer License to Steven Guertin  
d/b/a "The Nook and Cranny" at 177 Main St.

Resolution Read in Full  
Sennett Moved to Adopt  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)

RESOLUTION NO 121-A RESOLUTION PROVIDING FOR:REFERENCE TO  
THE PLANNING BOARD:AN AMENDMENT TO THE ZONING MAP

BE IT RESOLVED by the City Council of the  
City of Waterville, acting as the municipal  
officers and in accordance with Article 7,  
Section 7.1, of the Zoning Ordinance, to refer to  
the Planning Board for public hearing and  
recommendation a request for rezoning.

The request is to rezone Assessor Map 41,  
Parcel 46, from Residential-A (R-A) to Contract  
Zoned District/Residential-B (CZD/R-B). The  
conditions of the contract are as shown on the  
attachment.

That parcel, located at 775 Lincoln Street  
and owned by Gregory Veilleux, is found on the  
Property Map of the City of Waterville dated  
April 1, 1992, as updated on April 1, 2009.

Resolution Read in Full  
Sennett Moved to Adopt  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)

ORDER 44- AN ORDER PROVIDING FOR:ACCEPTANCE AND  
APPROPRIATION OF 2009 MAINE MUNICIPAL ASSOCIATION  
GRANT

BE IT HEREBY ORDERED by City Council of the  
City of Waterville acting as the municipal  
officers as follows:

THAT, the City authorizes the acceptance of three thousand dollars (\$3,000) from Maine Municipal Association for the Safety Grant "Scholarship" Program. This grant is specifically for the tuition reimbursement for six fire department members to attend a virtual "Fire Officer I & II" class.

BE IT FURTHER ORDERED, THAT the \$3,000 be assigned to a Fire Department Grant Fund.

Order Read in Full  
Sennett Moved to Accept  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)

ORDER 45- AN ORDER PROVIDING FOR: CASH CONTRIBUTION FROM  
AMERICAN SOFTBALL ASSOCIATION

BE IT HEREBY ORDERED by City Council of the City of Waterville acting as the municipal officers as follows:

THAT, the City be authorized to accept a \$1003.00 (one thousand, three dollar) cash donation from Jeff Marshall and the Maine American Softball Association. Maine A.S.A. utilizes many of the Cities facilities for clinics, leagues and tournaments. The cash donation will be used to purchase infield mix for Waterville fields.

Order Read in Full  
Sennett Moved to Accept  
Winslow Seconded the Motion  
Vote: All in Favor (7-0)

ORDER 46- ACCEPTANCE OF FUNDS BE IT HEREBY ORDERED by City Council of the City of Waterville acting as the municipal officers that the City accept a \$4,000 donation from the Waterville-Winslow Solid Waste Corporation for the purpose of funding a part-time coordinator for the Sustain Mid-Maine Coalition.

There will not be any municipal funding required to support this position.

Order Read in Full  
Sennett Moved to Accept  
Winslow Seconded the Motion

Vote: All in Favor (7-0)

The Mayor announced the appointment of Margrit Thomas as Public Library Trustee, her term will expire in 2013, Paul Mitchell as Waterville Sewerage District Commissioners term to expire 2014, and Jessica White and Jeff N Miller to the Waterville Housing Authority Commissioners. Jessica's term will expire in 2012 and Jeff's term will expire in 2014.  
Vote for all the appointments: (7-0)

There being no further business the meeting was adjourned.

A True Copy Attest

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City Clerk